

REMARKS

In order to place his application in condition for allowance, Applicant has again carefully reviewed the specification and claims of his patent application.

In the specification, he noted typing errors that have been corrected by this Amendment.

In the claims, he has canceled claims 3 and 9-12, added new claim 16 and extensively amended claim 1 and several of the dependent claims to more clearly set forth his invention and to define patentably over the several combinations of references relied upon to reject his invention as obvious under 35 USC 35 USC 103(a).

As to claim 1, Applicant has more clearly and specifically defined his invention as including a programmable physical vibration generation means for generating low level physical vibration patterns having user independently adjustable time duration components corresponding to (i) a time duration for a back swing of a golf club followed by a vibration pause of a time duration corresponding a pause at the top of the back swing of the golf club and (ii) a time duration for a down swing of the golf club. In addition, claim 1 as amended includes (1) a first user operable switch means in circuit with the physical vibration generating means for independently and selectively increasing or decreasing the time duration of the component of the vibration pattern generated by the physical vibration generating means

corresponding to the back swing of the golf club and (2) a second user operable switch means in circuit with the physical vibration generating means for independently and selectively increasing or decreasing the time duration of the component of the vibration pattern generated by the physical vibration generating means corresponding to the down swing of the golf club. In regard to these additions, please refer, for example, to specification page 8, lines 3-21 and page 13, line 23-page 14, line 6 referring to switches 26 and 28, dedicated respectively to the control of the duration of the back swing and down swing vibration components of the generated vibration pattern.

With respect to an independent and selective increasing and decreasing of the time duration of the vibration pause following the back swing of the golf club, please refer to amended dependent claim 2 relative to a third user operable switch means and the top pause programming switch 61 referred to in specification page 18, line 23-page 19, line 4.

As to the rejections of claims 1 and 2 under 35 USC 103(a) over Bendo in view of any of the several cited secondary references, it is Applicant's position that (1) the teachings of Bendo are limited to an audio golf swing training aide employing an audio signal control system and not properly combinable with any of the cited secondary references and (2) the physical vibration generating means for generating independently adjustable time duration components and including a vibration pause component as well as the vibration generator user operable

control system as now claimed by Applicant are so significantly different from the teachings of Bendo that any combination of Bendo with the teaching of any of the secondary references would not result in a combination that renders obvious Applicant's invention as now claimed.

Beginning with its Abstract and continuing through its entire specification, drawings and claims, Bendo only refers to a sound training device generating audible timing pattern signals. In this regard, see column 2, lines 4-6 and 22-25, column 3, lines 26-35, 55-57, 63-65, column 4, lines 26-28, column 5, lines 8-67, column 6, lines 1-43.

Then in column, 6, lines 44-48, Bendo indicates what the inventors considered as the scope of their invention, that is golf swing timing patterns comprising audio or visual or audiovisual signals. Certainly, vibratory devices and systems were well know at the time of the filing of the Bendo application in January 1996, yet the inventors did not consider such vibratory devices or systems applicable to their invention. Accordingly, Applicant submits that the teachings of Bendo are limited to an auditory device or system and absent teaching or suggestions to the contrary in a secondary reference should not form the basis for an obviousness rejection under 35 USC 103.

Further in these regards, under well recognized principles applied by the Federal courts relative to combination of references obviousness rejections, the references must teach or at least suggest a combination of the teaching relied upon as the

bases of the rejection. As pointed out above with respect to the primary reference, Bendo does not teach or suggest its combination with a vibratory device or system. Accordingly, in order to meet the well recognized requirements for a combination of references obviousness rejection, the cited secondary references must contain such a teaching or suggestion. Applicant submits that none of the secondary references teach or suggest a combination of the its teaching with the teachings of Bendo so as to render obvious any of the Applicant's claims as amended.

First, as to Conley and its proposed combination with Bendo. Conley teaches a golf swing training device configured to fit in the handle of a golf club and including an axial force sensor and a lateral force sensor. When in the swinging of the golf club either the axial force sensor or the lateral force sensor indicates that a predetermined force has been exceeded, an electrically actuated signaling device is momentarily actuated to indicate to the golfer that an improper swing has been executed. Conley teaches that his signaling device may comprise a sound generator or a light source or vibrator. However, since in the Conley device, the signaling (as by vibration) ceases when the improper swinging of the golf club has ceased, Conley does not teach or suggest a programmable physical vibration generating means for generating low level physical vibration patterns having user independently adjustable time duration components corresponding to a time duration for a back swing of a golf club followed by a vibration pause at a top of the back swing or a

time duration for a down swing of the golf club as claimed by Applicant. Further, Conley does not teach or suggest a first or a second user operable switch means in circuit with a programmable physical vibration generating means for independently and selectively increasing or decreasing the time duration of a component of the vibration pattern generated by the physical vibration generating means corresponding to the back swing or the down swing as set forth in Applicant's amended claim 1 or a third user operable switch means in circuit with a programmable vibration generating means for independently and selectively increasing or decreasing the time duration of a vibration pause between the back and down swing components as set forth in Applicant's amended claim 2.

As previously discussed with regard to Bendo, Bendo does not teach or suggest Applicant's claimed programmable vibration generating means or switch control means for such programmable vibration generating means. Therefore, Applicant submits that if the Conley momentary vibrator were substituted for the sound generator in Bendo, there is no teaching or suggestion in Bendo or in Conley as to how the Conley vibrator could be obviously modified to form the programmable physical vibration generating means of Applicant's amended claim 1 for generating low level vibration patterns including a vibration pause between vibration components corresponding to a back swing and down swing of a golf club or how the sound control system of Bendo could be modified to form Applicant's claimed first and second user operable switch

means in circuit with a physical vibration generating means and dedicated to the selective increasing or decreasing the time duration of components of the vibration patterns generated by the physical vibration generating means corresponding to a back swing and a down swing of a golf club as set forth in Applicant's amended claim 1 or a third user operable switch means dedicated to the increasing or decreasing of the time duration of a vibration pause between the back swing and down swing vibration components as set forth in Applicant's amended claim 2. Absent such teachings or suggestions, Applicant submits that any combination of Bendo and Conley under 35 USC 103 is an improper basis for rejection of Applicant's amended claims 1 and all claims dependent therefrom including amended claim 2.

Second as to DeRosa and its proposed combination with Bendo. DeRosa is directed to a timing device that measures the passage of short intervals of time including an interval selection switch that actuates a count-down counter and a vibratory alarm when the selected interval of time has lapsed. DeRosa does not teach or suggest a programmable physical vibration generating means for generating low level physical vibration patterns having user independently adjustable time duration components corresponding to a time duration for a back swing of a golf club followed by a vibration pause at a top of the back swing or a time duration for a down swing of the golf club as claimed by Applicant. Further, DeRosa does not teach or suggest a first or a second user operable switch means in circuit

with a programmable physical vibration generating means for independently and selectively increasing or decreasing the time duration of a component of the vibration pattern generated by the physical vibration generating means corresponding to the back swing or the down swing as set forth in Applicant's amended claim 1 or a third user operable switch means in circuit with a programmable vibration generating means for independently and selectively increasing or decreasing the time duration of a vibration pause between the back and down swing components as set forth in Applicant's amended claim 2.

As previously discussed with regard to Bendo, Bendo does not teach or suggest Applicant's claimed programmable vibration generating means or switch control means for such programmable vibration generating means. Therefore, Applicant submits that if the DeRosa vibratory alarm were substituted for the sound generator in Bendo, there is no teaching or suggestion in Bendo or in DeRosa as to how the DeRosa vibrator could be obviously modified to form the programmable physical vibration generating means of Applicant's amended claim 1 for generating low level vibration patterns including a vibration pause between vibration components corresponding to a back swing and down swing of a golf club or how the sound control system of Bendo could be modified to form Applicant's claimed first and second user operable switch means in circuit with a physical vibration generating means and dedicated to the selective increasing or decreasing the time duration of components of the vibration patterns generated by the

physical vibration generating means corresponding to a back swing and a down swing of a golf club as set forth in Applicant's amended claim 1 or a third user operable switch means dedicated to the increasing or decreasing of the time duration of a vibration pause between the back swing and down swing vibration components as set forth in Applicant's amended claim 2. Absent such teachings or suggestions, Applicant submits that any combination of Bendo and DeRosa under 35 USC 103 is an improper basis for rejection of Applicant's amended claims 1 and all claims dependent therefrom including amended claim 2.

Third, as to Fulford and its proposed combination with Bendo. Fulford is directed to a vibratory tempo indicating device. The device includes two solenoids that create a steady, tactile non-audible pulse that conveys a specific beat to a user and therefore conveys tempo in the manner of a metronome. Fulford does not even remotely teach or suggest a programmable physical vibration generating means for generating low level physical vibration patterns having user independently adjustable time duration components corresponding to a time duration for a back swing of a golf club followed by a vibration pause at a top of the back swing or a time duration for a down swing of the golf club as claimed by Applicant. Further, Fulford does not teach or suggest a first or a second user operable switch means in circuit with a programmable physical vibration generating means for independently and selectively increasing or decreasing the time duration of a component of the vibration pattern generated by the

physical vibration generating means corresponding to the back swing or the down swing as set forth in Applicant's amended claim 1 or a third user operable switch means in circuit with a programmable vibration generating means for independently and selectively increasing or decreasing the time duration of a vibration pause between the back and down swing components as set forth in Applicant's amended claim 2.

As previously discussed with regard to Bendo, Bendo does not teach or suggest Applicant's claimed programmable vibration generating means or switch control means for such programmable vibration generating means. Therefore, Applicant submits that if the Fulford tempo indicating device were substituted for the sound generator in Bendo, there is no teaching or suggestion in Bendo or in Fulford as to how the Fulford tempo indicating device could be obviously modified to form the programmable physical vibration generating means of Applicant's amended claim 1 for generating low level vibration patterns including a vibration pause between vibration components corresponding to a back swing and down swing of a golf club or how the sound control system of Bendo could be modified to form Applicant's claimed first and second user operable switch means in circuit with a physical vibration generating means and dedicated to the selective increasing or decreasing the time duration of components of the vibration patterns generated by the physical vibration generating means corresponding to a back swing and a down swing of a golf club as set forth in Applicant's amended claim 1 or a third user

operable switch means dedicated to the increasing or decreasing of the time duration of a vibration pause between the back swing and down swing vibration components as set forth in Applicant's amended claim 2. Absent such teachings or suggestions, Applicant submits that any combination of Bendo and Fulford under 35 USC 103 is an improper basis for rejection of Applicant's amended claims 1 and all claims dependent therefrom including amended claim 2.

Applicant has again reviewed the secondary references Burke, Tuer, Bergohofer and Sabowitz as applied in the Office Action of October 16, 2006. Applicant submits that the structural amendments in claim 1, incorporated in all claims dependent from claim 1 specifically including amended claim 2, clearly distinguish Applicant's claimed invention from the teaching of these secondary references, none of which teaches or suggests the structure as now defined in amended claim 1.

As to new claim 16, Applicant submits that its claimed combination of (1) programmable physical vibration generating means for generating low level physical vibration patterns having time duration components corresponding to (i) a time duration for a back swing of a golf club followed by (ii) a vibration pause of a time duration corresponding to a pause at the top of the back swing of the golf club and (iii) a time duration for a down swing of the golf club and (2) switch means in circuit with the physical vibration generating means for selectively modifying the

vibration pattern generated by the physical vibration generating means is not taught or suggested by any of the art of record or any proper combination thereof. Accordingly, the allowance of claim 16 along with the balance of the claims now pending in this application and the prompt re-passage of this application are most earnestly solicited.

Respectively submitted,

A handwritten signature in cursive script, reading "Robert R. Meads". The signature is written in dark ink and is positioned above the printed name.

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